

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA

v.

GUSTAVO AROCHA
AKA: "TAVO"
Defendant.

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CRIMINAL NO. 5:20-CR-00632-01

FACTUAL STATEMENT IN SUPPORT OF PLEA AGREEMENT

The United States of America, by and through Jennifer B. Lowery, Acting United States Attorney for the Southern District of Texas and Jennifer L. Day, Assistant United States Attorney, and the defendant, GUSTAVO AROCHA, and the defendant's counsel, hereby stipulate as follows:

I.

If this case proceeded to trial, the United States of America would prove each element of the offense beyond a reasonable doubt. The following facts, among others, would be offered to establish the Defendant's guilt:

II.

In May of 2018, a Drug Enforcement Administration (DEA) special agent met with a confidential source (CS) and gave the CS a cell phone. The CS consented to the interception of calls to and from that phone.

On May 4, 2018, the CS communicated with **Gustavo Arocha** and negotiated the sale of 1.5 kilograms of heroin for \$52,000. **Arocha** agreed to arrange the transfer. On May 7, 2018, an undercover agent (UC) negotiated with Juan Hinojosa (who working on **Arocha**'s behalf) regarding the purchase of 1.5 kilograms of "China White" heroin, and 3 kilograms of

methamphetamine. The UC and Hinojosa agreed to meet at a hardware store in Laredo, Texas to conduct the exchange. Later that day, agents observed Hinojosa arrive at the hardware store driving a Ford F-150. Agents observed the CS retrieve a black bag from Hinojosa's truck. Hinojosa then left the location. The black bag contained five (5) bundles. A lab report later revealed that three (3) of the bundles contained **2.38 kilograms of methamphetamine**, and two (2) contained **1.36 kilograms of heroin**. On May 8, 2018, **Arocha** called the CS and acknowledged that the drugs had been seized by law enforcement.

On August 9, 2018, the CS advised agents that **Arocha** was attempting to broker a deal to exchange a $\frac{1}{2}$ kilogram of heroin for \$11,000. On August 14, 2018, **Arocha** told the CS that he wanted the CS to pay \$7,500 in cash, and that after the transaction **Arocha** wanted the CS to deposit the remaining \$3,500 in a Compass Bank checking account. The CS told **Arocha** that he (the CS) would be sending another person (CS-2) to deliver the money. **Arocha** agreed and gave the CS the phone number for his associate "Guero." On August 15, 2018, negotiations continued between **Arocha** and the CS. **Arocha** then agreed to provide the CS with one kilogram of heroin for \$11,000, with the expectation that the CS would pay another \$11,000 in the near future. **Arocha** stated that he was having problems contacting "Guero" so they postponed the transaction until the following day. On August 16, 2018, **Arocha** gave the CS a phone number for "Martinez" who **Arocha** said would deliver the heroin in Houston later that day. The CS called "Martinez" and the two agreed to conduct the exchange at an IKEA store in Houston. The CS advised he was sending CS-2 on his behalf. At approximately 1:30 p.m., CS-2 arrived at the IKEA store. "Martinez" arrived and parked next to CS-2's vehicle. Agents observed "Martinez" handing a white plastic bag to CS-2 in exchange for \$11,000. The bag contained **821.8 grams of heroin**.

The CS later spoke with Sealed Co-Defendant 3 regarding the second half of the payment owed to **Arocha** for the heroin. The CS advised he would be sending his “driver” (a UC) to Houston the following day to give Sealed Co-Defendant 3 the money. On August 29, 2018, a UC met with Sealed Co-Defendant 3 in Houston and paid Sealed Co-Defendant 3 the \$11,000. A traffic stop was later conducted on Sealed Co-Defendant 3’s vehicle, where the money was seized.

In January of 2019, **Gustavo Arocha** coordinated two additional deliveries of methamphetamine. On January 8, **Arocha** and the CS discussed the sale of narcotics that were available in Houston. **Arocha** advised the CS that his (**Arocha**’s) brother was on the way to Houston to confirm that the drugs were still there. A UC (who was posing as an associate of the CS) was in contact with **Arocha**’s brother, who advised that he could sell the UC one kilogram of methamphetamine. On January 9, 2019, the UC and **Arocha**’s brother met at a Walmart store, where **Arocha**’s brother gave the UC a backpack. The backpack contained **974 grams of methamphetamine**.

On January 10, 2019, the CS spoke with **Arocha** regarding another purchase of methamphetamine in Houston, Texas, which would again be delivered by **Arocha**’s brother. The CS told **Arocha** that if **Arocha**’s brother got caught, **Arocha** would have to pay the CS. On January 11, 2019, agents set up surveillance on **Arocha**’s brother, who was observed receiving a large blanket wrapped in cellophane from the driver of a Dodge Nitro. A traffic stop was done and agents recovered **4.86 kilograms of methamphetamine** inside the blanket. That same day, the CS and **Gustavo Arocha** discussed the fact that **Arocha**’s brother had been arrested. **Arocha** asked the CS why the police paperwork said “400 grams” when it was supposed to be 10 kilograms.

On June 11, 2021, **Gustavo Arocha** was arrested as he crossed into the United States from Mexico. After rights advisement and waiver, **Arocha** told agents that his brother had been arrested

in January of 2019 for drugs. **Arocha** also admitted that he was involved with drugs, and that people asked him for favors to take care of drugs.

III.

Defendant, GUSTAVO AROCHA, hereby confesses and judicially admits that between May 4, 2018 and October 28, 2019, he knowingly conspired to possess with intent to distribute 50 grams or more of methamphetamine and 1 kilogram or more of heroin, in violation of Title 21, United States Code, Section 846, 841(a)(1) & 841(b)(1)(A).

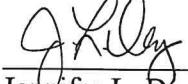


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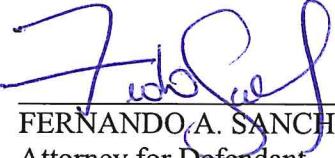
APPROVED:

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